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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,610	01/22/2004	Martha Kelsey	P06433US00	5043
22885	7590	11/23/2005	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogarty et al U.S. Patent 5,186,673 in view of Norman et al U.S. Patent 6,227,930.

Fogarty et al disclosed a simulated clothing for a doll comprising a first piece (12) applied to a portion of a doll and secured by a pair of mating two part hook and loops strips (25, 27) (Velcro) of overlapping portions of the piece as shown in Figs. 1 and 2; the piece is formed into a shape that can be used to simulate an article of clothing or part thereof on a doll (18), the piece is sized originally to a size and shape to form a simulated piece of clothing or part thereof; there are more than one piece to simulate various types of clothing articles such size, shape, color, size and they may be applied onto each other as shown in Fig. 8. It is noted that Fogarty et al failed to teach the use of pieces of clothing made of material having self-adherent and elastomeric properties as set forth in these claims. However, Norman et al disclosed doll's garments made from an elastomeric material. Therefore, it would have been obvious to one of ordinary skill in the art to modify the pieces of Fogarty et al with the elastomeric material as taught by Norman et al for the purpose of providing a high degree of realism for the garments of the doll.

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Regarding the use of self-adhesion of the overlapping portions, Fogarty et al utilized Velcro as discussed above. It is very well known in the art that fastening means such as Velcro, adhesive, sewing, etc could be interchangeably used (see Cox U.S. Patent 4,197,670, col. 2, lines 13-16). Accordingly, it would have obvious to substitute the use of Velcro with any equivalent fastening means to perform the same function.

Regarding method claims 18-31, the above combination of Fogarty et al and Norman et al would constitute the steps of the method of simulating clothing on a doll as set forth therein.

Response to Arguments

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is clearly a reason to modify the flexible fabric-clothing article of Fogarty with the elastomeric material of Norman et al. The motivation for such modification is to enhance to aesthetic appearance of the clothing article. Furthermore, regarding the issue of self-adherent property, such term merely means sticking fast or stay attached to itself, and does not contain any specific composition or material. As mentioned above, the use of

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any type of adhesion for the doll's clothing is well-known in the art and could be used interchangeably to perform the same function.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

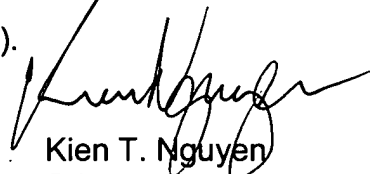
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kien T. Nguyen
Primary Examiner
Art Unit 3711

Ktn